

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

NORTHWEST PIPE COMPANY,
Plaintiff,

CV. 04-1670-PK

OPINION AND ORDER

v.

STATE PIPE AND SUPPLY, INC.,
and NEIL BOUCHER,
Defendants.

PAPAK, Magistrate Judge:

This matter comes before the court on Plaintiff's Motion for Leave to File Amended Complaint [#81] to add a sixth cause of action alleging violation of Cal. Penal Code § 502 (unauthorized access to computers, computer systems and computer data). Leave to amend "shall be freely given when justice so requires." Fed. R. Civ. P. 15(a). In this circuit, that policy is applied with "extreme liberality." *Eminence Capital, LLC v. Aspeon, Inc.*, 316 F.3d 1048, 1051 (9th Cir. 2003) (citations omitted). Further, "amendments to add claims are to be granted

more freely than amendments adding parties." *Union Pac. R.R. Co. v. Nevada Power Co.*, 950 F.2d 1429, 1432 (9th Cir. 1991).

Trial in this matter is currently scheduled for June 5, 2007. The original complaint was filed on November 15, 2004, and the motion to amend complaint was filed on September 11, 2006. The parties have yet to disclose or depose experts, and are scheduled to file dispositive motions in February 2007. I find that in granting this motion the Defendants are not prejudiced and that the delay from the time of filing of the original complaint to the request for amendment, standing alone, is not a sufficient basis to deny Plaintiff's motion.

Plaintiff's Motion for Leave to File Amended Complaint [#81] is GRANTED. Plaintiff's Amended Complaint shall be filed on or before November 6, 2006, and Defendants shall have twenty (20) days from filing to file a response. The Joint Motion to Amend Discovery and Pretrial Scheduling Order [#88], previously granted by the court, is amended such that Defendants have thirty (30) days from the filing of the Amended Complaint to file any written discovery requests directed to Plaintiff's sixth claim for relief.

Dated this 3rd day of November, 2006.

/s/ Paul Papak
Honorable Paul Papak
United States Magistrate Judge